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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 17th DAY OF APRIL 1998

BEFORE

THE HON'BLE MR. JUSTICE H. RANGAVITTALACHAR

H.R.R.P. NUMBER 560/98

Between:

Sri B.K. Revanna,
S/o Sri B. Kempaiah, Major,
R/o 400-A, 9th Cross, II Block,
Jayanagar, Bangalore-560011.

At presently staying in
U.S.A. and represented
through his power of Attorney
Holder Sri Nanjappa,
S/o B. Kempaiah, Major.

Petitioner

(By Sri R.A. Devanand)

And:

1. Sri B. Kempaiah,
S/o late Sri Nanjegowda,
Aged about 63 years.
2. Smt. Boramma,
W/o Sri B. Kempaiah, major.

Respondents 1 and 2 are
residing at No. 210, 5th
Cross, 9th 'A' Main, II Block,
Jayanagar, Bangalore-560011.

3. Sri Nanjappa,
S/o Sri B. Kempaiah, Major,
R/o No. 400-A, II Block,
9th Cross, Jayanagar,
Bangalore-560011.

4. Sri. C.H. Mohammed Ali Hajee,
S/o C.H. Yusuff Ali, major,
400-A, (Old No. 28/1), 9th
Cross, II Block, Jayanagar,
Bangalore-560 011.

Respondents

H.R.R.P. filed U/s. 50(1) of the K.R.C. Act, against the order dated 19-8-1995 passed in H.R.C. No. 602/94 on the file of the XVI Addl. Judge, Court of Small Causes, Bangalore, allowing the petition filed U/s. 19(3) of K.R.C. Act.

This H.R.R.P. coming on for orders this day, the Court made the following:-

O R D E R

There is delay of 865 days in filing the H.R.R.P. In the affidavit filed in support of the application the reason for nonfiling of the petition in time has been stated to be that he came to know only in the month of February 1998 when he came to India. This is not sufficient ground to condone the delay under Sec. 5 of the Limitation Act. Application is dismissed. Consequently the H.R.R.P. is dismissed.

Sd/-
JUDGE

Lr/-